IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL WRIT PETITION NO.1678 OF 2007

Mohan Eknath Dhavale. ..Petitioner.
Versus
Superintendent of Prison
and Anr. ..Respondents.

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Ms.Dimple Bhargava, Adv. for the Petitioner.
Mr.P.S.Hingorani, APP, for the State.

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CORAM : R.M.S.KHANDEPARKAR AND SMT.V.K.TAHILRAMANI,JJ.
DATED : SEPTEMBER 21, 2007.

P.C.:-

1. Heard the learned Advocate for the petitioner and the learned APP for the State.

2. The petitioner had preferred an application for furlough which came to be granted however the petitioner did not surrender back in time and he overstayed the period of furlough by 108 days. After 108 days the petitioner himself came back to the prison and surrendered.

3. The learned Advocate for the petitioner has submitted that the mother of the petitioner suffered from Asthama attack and due to which the petitioner could not reach in time. However after the mother of the petitioner was cured, he

surrendered back to prison.

4. On account of the overstay of the petitioner prison punishment was imposed on him of cutting remission of four days for each day of overstay i.e. for 108 days overstay 432 days of remission was cut. The petitioner is now seeking that he be granted extension of his original furlough leave by 108 days so that his remission would not be cut. We find ourselves unable to extend the period of furlough. Moreso the petitioner did not prefer an application for extension of furlough leave before the prison authorities. However, looking to the facts of this case and the record and the fact that the petitioner himself surrendered back to prison, we are inclined to reduce the prison punishment to half i.e. for each day of overstay, two days of remission would be cut instead of four days i.e. instead of 432 days of remission 216 days of remission would be cut.

5. Writ Petition is disposed of accordingly.

[R.M.S.KHANDEPARKAR,J.]

[SMT.V.K.TAHILRAMANI,J.]